

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

JOSE BANUELOS ARTEAGA.

Appellant

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DOCKET NUMBER WD71425

DATE: March 9, 2010

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Appeal From:

Circuit Court of Jackson County, MO  
The Honorable David Michael Byrn, Judge

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Appellate Judges:

Division Three: James Edward Welsh, P.J., Mark D. Pfeiffer, and Karen King Mitchell, JJ.

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Attorneys:

John A. Picerno, Kansas City, MO

Counsel for Appellant

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Attorneys:

Jalilah Otto, Kansas City, MO

Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, Respondent, v.  
JOSE BANUELOS ARTEAGA, Appellant**

WD71425

Jackson County

Before Division Three Judges: James Edward Welsh, P.J., Mark D. Pfeiffer, and Karen King Mitchell, JJ.

Jose Banuelos Arteaga appeals the circuit court's denial of his request that costs be taxed against the Jackson County prosecutor after the circuit court accepted and entered judgment on the jury's verdicts finding Arteaga not guilty of murder in the second degree and armed criminal action. Arteaga contends that the prosecutor is liable to pay costs pursuant to section 550.080, RSMo 2000.

**REVERSED AND REMANDED.**

**Division Three holds:**

Because the General Assembly repealed section 550.080 and amended section 550.040, while this appeal was pending, the prosecutor is no longer responsible to pay costs. The State, however, remains responsible for Arteaga's costs pursuant to section 550.040. We, therefore, reverse the circuit court's judgment in regard to costs only and remand for the circuit court to determine what costs Arteaga may recover against the State.

**Opinion by: James Edward Welsh, Judge**

March 9, 2010

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